

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

**STANDING ORDER OF REFERENCE**  
**FOR SOCIAL SECURITY APPEALS FILED PURSUANT TO**  
**42 U.S.C. § 405(g)**  
**STANDING ORDER NO. 6**

U.S. DISTRICT COURT  
FILED AT WHEELING, WV  
APR - 6 2000  
NORTHERN DISTRICT OF WV  
OFFICE OF THE CLERK

Miscellaneous No. 5:00-MC-15

Upon receipt of a complaint and a full filing fee or entry of an order granting in forma pauperis status, pursuant to 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, it is hereby ORDERED that actions filed pursuant to 42 U.S.C. § 405(g) be referred to the United States Magistrate Judge designated by Standing Order No. 2 who is hereby designated and authorized to consider the record and do all things proper to recommend disposition of any dispositive motions filed in this matter and to rule upon any nondispositive motions, including, without limitation, conducting a hearing on motion, if necessary, and entering into the record a written order setting forth the disposition of the motion or recommendation for disposition, as the case may be.

1. Within 60 days after the date of service of the complaint, the defendant shall file an answer and a complete copy of the record of the administrative proceedings and serve a copy of the same on plaintiff.

2. Within 30 days after the defendant has filed an answer and a complete copy of the administrative record, the plaintiff shall file a brief in support of his or her claim(s) for relief. The plaintiff shall serve copies of his/her brief upon the United States Attorney's Office.

3. Within 30 days after the plaintiff's brief is filed, the defendant shall file a brief and serve copies upon Plaintiff. The defendant is specifically DIRECTED to address *all of the contentions and arguments* made by the plaintiff in the same order in which the plaintiff has made them in his or her brief.

4. The briefs shall not exceed a total of 15 pages, except as approved by the court upon motion. Any motion to exceed the court's page limit shall be filed no later than one week before the deadline for the submission of the brief. No extensions of time for filing briefs shall be allowed absent a showing of good cause. If a party desires an extension of time within which to respond, the moving party is specifically DIRECTED to file a motion for extension before the date upon which the brief or response is due. The case shall be deemed submitted as of the date on which the defendant's reply brief is filed.

5. If the court, in response to a party's motion, grants an extension of time for any pleading or brief, the other party is automatically granted an extension for the same amount of time to file a responsive pleading brief.

6. Claims or contentions by the plaintiff alleging deficiencies in the ALJ's consideration of claims or alleging mistaken conclusions of fact or law and contentions or arguments by the Commissioner, supporting the ALJ's conclusions of fact or law must include a specific reference, by page number, to the portion of the record which (1) recites the ALJ's consideration or conclusion and (2) which supports the party's claims, contentions or arguments.

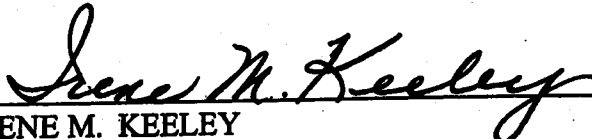
7. Deadlines Final: The time limitations set forth above shall not be altered except as set forth in LR16.1(f). All dates for submissions, deliveries, and filings with the Clerk or the Court refer to the date the materials must actually be received, not the mailing date.

8. A copy of this standing order shall be mailed to all parties by the Clerk in each Social Security appeal.

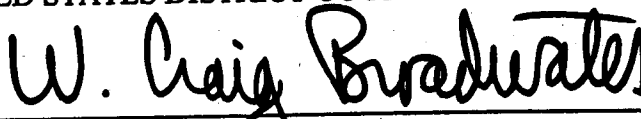
ENTERED: March 24, 2000



FREDERICK P. STAMP, JR.  
UNITED STATES DISTRICT COURT CHIEF JUDGE



IRENE M. KEELEY  
UNITED STATES DISTRICT COURT JUDGE



W. CRAIG BROADWATER  
UNITED STATES DISTRICT COURT JUDGE



ROBERT E. MAXWELL  
UNITED STATES DISTRICT COURT JUDGE